

MORROW 119037

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-207837

DATE: July 26, 1982

MATTER OF: Ridg-U-Rak, Inc.

DIGEST:

Protest concerning offerors' small business size status will not be considered by GAO since authority to conclusively determine size status is vested in the Small Business Administration.

Ridg-U-Rak, Inc. (RUR), protests that a contract should not be awarded by the Air Force to Bos Material Handling, Inc. (Bos), or Intra Systems under request for proposals No. F04699-82-RA127, a small business set-aside. RUR contends that Bos and Intra Systems are ineligible for award as small businesses because of their relationships with a large business.

Under 15 U.S.C. § 637(b) (Supp. III, 1979), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Therefore, we will not consider size status protests. See G.W. Galloway Company, B-207449, June 2, 1982, 82-1 CPD ____; Automated Datatron, Inc., B-205038.2, December 30, 1981, 81-2 CPD 513. Rather, under the regulations, such protests are to be filed with the contracting officer within 5 working days plus a reasonable time for notice of identification of the successful offeror to reach the unsuccessful offerors. The protests are referred to the SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1) (Defense Acquisition Circular No. 76-19, July 27, 1979).

Accordingly, the protest is dismissed.

J. H. Barclay, Jr.
For Harry R. Van Cleave
Acting General Counsel